

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
JIZETTE PERKINS,

Plaintiff,

- against -

CABRINI MISSION FOUNDATION, ST. CABRINI
HOME INCORPORATED, ST. CABRINI GROUP
HOME, INC., MISSIONARY SISTERS
OF THE SACRED HEART OF JESUS, MISSIONARY
SISTERS OF THE SACRED HEART, ROMAN
CATHOLIC ARCHDIOCESE OF NEW YORK,
DENNIS FIELDS and DAVID DENNARD,Defendants.
-----X**SUMMONS**

Index No.:

Date Purchased:

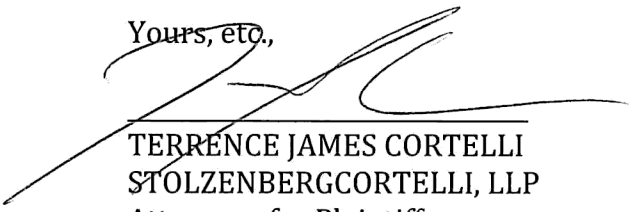
TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates New York County as the place of trial. The basis of venue is the principal office location of some of the defendants.

DATED: White Plains, New York
August 23, 2019

Yours, etc.,


TERRENCE JAMES CORTELLI
STOLZENBERGCORTELLI, LLP
Attorneys for Plaintiff
JIZETTE PERKINS
305 Old Tarrytown Road
White Plains, New York 10603
(914) 361-4888STOLZENBERGCORTELLI, LLP
ATTORNEYS AT LAW

DEFENDANTS' ADDRESSES:

CABRINI MISSION FOUNDATION

Service via Secretary of State

ST. CABRINI HOME INCORPORATED

Service via Secretary of State

ST. CABRINI GROUP HOME, INC.

Service via Secretary of State

MISSIONARY SISTERS OF THE SACRED HEART OF JESUS

Service via Secretary of State

MISSIONARY SISTERS OF THE SACRED HEART

Service via Secretary of State

ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK

Service via Secretary of State

DENNIS FIELDS

Apartment 9x, Southside Terrace, New Paltz, New York

DAVID DENNARD

9-6 Huguenot Street, New Paltz, New York



STOLZENBERG CORTELLI LLP
ATTORNEYS AT LAW

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
JIZETTE PERKINS,

VERIFIED COMPLAINT

Plaintiff,

Index No.:

- against -

CABRINI MISSION FOUNDATION, ST. CABRINI
HOME INCORPORATED, ST. CABRINI GROUP
HOME, INC., MISSIONARY SISTERS
OF THE SACRED HEART OF JESUS, MISSIONARY
SISTERS OF THE SACRED HEART and ROMAN
CATHOLIC ARCHDIOCESE OF NEW YORK,
DENNIS FIELDS and DAVID DENNARD

Defendants.

-----X

Plaintiff JIZETTE PERKINS, by and through her attorneys, STOLZENBERGCORTELLI, LLP, as and for her Complaint in this matter against Defendants, states and alleges as follows:

NEW YORK'S CHILD VICTIMS ACT

1. New York is one of the worst states in the nation for survivors of child sexual abuse. Previously, New York required most survivors to file civil actions or criminal charges against their abusers by the age of 23 at most, long before most survivors report or come to terms with their abuse, which has been estimated to be as high as 52 years old on average. Because of these restrictive statutes of limitations, thousands of survivors were unable to sue or press charges against their abusers, who remain hidden from law enforcement and pose a persistent threat to public safety.
2. New York recently enacted the Child Victim's Act. It has opened the doors of justice to the thousands of survivors of child sexual abuse in New York State by prospectively extending the statute of limitations for bringing civil actions for physical, psychological or other injury suffered as a result of child sexual abuse against any party whose intentional or negligent acts or omissions are alleged to have resulted in the abuse.
3. Passage of the Child Victims Act has finally allowed justice for past and future survivors of child sexual abuse, help the public identify hidden child predators



STOLZENBERGCORTELLI LLP
ATTORNEYS AT LAW

through civil litigation discovery, and shift the significant and lasting costs of child sexual abuse to the responsible parties.

4. This is one of those cases.

PRELIMINARY STATEMENT

5. Plaintiff brings this sexual assault action to redress a violent rape she endured as a 14 year-old resident of the St. Cabrini Home in West Park, New York. This attack occurred on March 14, 1990. The perpetrator was a staff member of the St. Cabrini's Home who had been able to sexually groom plaintiff prior to the attack without any of his supervisors noticing.

THE PARTIES

6. Plaintiff is now a forty-three year old resident of the State of New Jersey. Plaintiff was fourteen years old at the time of the sexual assault alleged herein.
7. That at all times hereinafter mentioned, Defendant CABRINI MISSION FOUNDATION, was and continues to be a non-profit organization or entity, authorized to conduct business and conducting business in the State of New York, with its principal place of business at 222 East 19th Street, New York, New York 10003.
8. That at all times hereinafter mentioned, Defendant ST. CABRINI HOME INCORPORATED, was and continues to be a non-profit organization or entity, authorized to conduct business and conducting business in the State of New York, with its principal place of business at 2085 Route 9W, West Park, New York 12493.
9. That at all times hereinafter mentioned, Defendant ST. CABRINI GROUP HOME, INC., was and continues to be a private organization or entity, authorized to conduct business and conducting business in the State of New York, with its principal place of business at 237 Hooker Avenue, Poughkeepsie, New York 12603.
10. That at all times hereinafter mentioned, Defendant MISSIONARY SISTERS OF THE SACRED HEART OF JESUS, was and continues to be a non-profit organization or entity, authorized to conduct business and conducting business in the State of New York, with its principal place of business at 610 King of Prussia Road, Radnor, Pennsylvania 19087.
11. That at all times hereinafter mentioned, Defendant MISSIONARY SISTERS OF THE SACRED HEART, was and continues to be a non-profit organization or entity, authorized to conduct business and conducting business in the State of New York, with its principal place of business at 222 East 19th Street, New York, New York 10003.



12. That at all times hereinafter mentioned, Defendant ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, was and continues to be a non-profit organization or entity, which includes but is not limited to civil corporations, decision making entities, officials and employees, authorized to conduct business and conducting business in the State of New York, with its principal place of business at 1011 1st Avenue, New York, New York.
13. Upon information and belief, defendants CABRINI MISSION FOUNDATION, ST. CABRINI, HOME INCORPORATED, ST. CABRINI GROUP HOME, INC., and MISSIONARY SISTERS OF THE SACRED HEART are related, interconnected entities, all of which are affiliated with defendant MISSIONARY SISTERS OF THE SACRED HEART OF JESUS, the international religious order founded by St. Frances Xavier Cabrini in 1880.
14. Defendant ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK covers New York, Bronx, and Richmond Counties in New York City (coterminous with the boroughs of Manhattan, the Bronx, and Staten Island, respectively), as well as Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties in New York state. The Roman Catholic Archdiocese of New York supervises, is in charge of, is in control and responsible for a large number of religious orders, congregations, schools, churches, parishes, residential treatment facilities, seminaries, universities, and colleges, including but not limited to defendants CABRINI MISSION FOUNDATION, ST. CABRINI, HOME INCORPORATED, ST. CABRINI GROUP HOME, INC., MISSIONARY SISTERS OF THE SACRED HEART and MISSIONARY SISTERS OF THE SACRED HEART OF JESUS.
15. Defendant Dennis Fields is an individual with a last known address of Apartment 9x, Southside Terrace, New Paltz, New York.
16. Defendant David Dennard is an individual with a last known address of apartment 9-6 Huguenot Street, New Paltz, New York.

FACTS

17. At all times hereinafter mentioned, including on March 13 and 14, 1990, the St. Cabrini Home, located in West Park, New York was a residential treatment facility for wayward youths.
18. Defendants CABRINI MISSION FOUNDATION, ST. CABRINI, HOME INCORPORATED, ST. CABRINI GROUP HOME, INC., MISSIONARY SISTERS OF THE SACRED HEART, MISSIONARY SISTERS OF THE SACRED HEART OF JESUS and the ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK created, maintained, supervised and controlled anything and everything that occurred at the St. Cabrini Home.
19. At all times hereinafter mentioned, including on March 13 and 14, 1990, Plaintiff JIZETTE PERKINS, fourteen years old, was a young, innocent, impressionable resident of the St. Cabrini Home. She was placed there for "truancy". She lacked any family



members that were able to or even wanted to care for her. She was effectively a ward of the State of New York. A vulnerable child, she relied upon the defendants to keep her safe.

20. At all times hereinafter mentioned, including on March 13 and 14, 1990, Dennis Fields, was an employee at the St. Cabrini Home in West Park, New York.
21. At all times hereinafter mentioned, including on March 13 and 14, 1990, David Dennard, was an employee at the St. Cabrini Home in West Park, New York.
22. At all times hereinafter mentioned, Dennis Fields and David Dennard remained under the direct supervision, employ, and control of the Defendants. Defendants placed Dennis Fields and David Dennard in positions where they had access to and worked with children as an integral part of their work.
23. During plaintiff's residency at the St. Cabrini Home, Plaintiff, as a minor and vulnerable child, was dependent on Defendants and Dennis Fields and David Dennard, as childcare workers at the St. Cabrini Home.

THE ATTACK

24. Prior to March 13, 1990, Dennis Fields and David Dennard maintained an improper, unprofessional and inappropriate relationship with plaintiff. This relationship is also known as "sexual grooming." Sexual grooming is a preparatory process in which a perpetrator gradually gains a person's or organization's trust with the intent to be sexually abusive. The victim is usually a child, teen, or vulnerable adult. In this case, defendants Dennis Fields and David Dennard flirted with Plaintiff and took advantage of her emotionally, leading her to believe that they actually cared for her and were there to protect her. But, in reality, they were grooming her to sexually exploit her.
25. This grooming relationship should have been – but never was – detected by the defendants. It is well known that understanding sexual grooming and common sexual grooming behaviors can help professionals prevent sexual abuse before it occurs.
26. In particular, during this grooming period, on March 13, 1990, while on duty as staff members at the St. Cabrini Home, Dennis Fields and David Dennard approached Plaintiff about their plan to help her to "escape" from the St. Cabrini Home. They suggested that she run away with them from the St. Cabrini Home. They implied that they would be there to take care of her. If she would agree, defendant Fields promised plaintiff that he would rescue her from St. Cabrini Home and drive her back to her prior residence in Newburgh. To effectuate the plan, defendant Fields instructed plaintiff where to meet and choreographed a rendezvous point. Dennis Fields and David Dennard were confident that the escape plan would work as both were scheduled to work the night shift at St. Cabrini Home on that particular evening.



27. Defendants also seduced a second resident – Jane Doe – to participate in the escape plan hatched by these defendants. Like plaintiff, Jane Doe also was merely 14 years old. The Defendants also promised Jane Doe that they would get her out of St. Cabrini Home and bring her back to her former residence.
28. While still on duty, using his own vehicle, David Dennard met with Plaintiff and Jane Doe at the prearranged meeting point and, together, they drove off campus.
29. However, instead of driving the girls to their respective homes, Dennard drove them to Field's apartment, located somewhere in New Paltz, New York. He promised to drive them to their homes the next day. Dennard returned to the St. Cabrini Home and resumed his employment duties during his regularly scheduled shift.
30. Scheduled to work until 1 a.m., Dennis Fields and David Dennard both "signed out" early at 11 p.m. and drove to Fields' apartment. It was a one bedroom apartment.
31. At the apartment, Dennis Fields and David Dennard supplied Plaintiff and Jane Doe with alcohol. Plaintiff and Jane Doe became intoxicated.
32. After midnight, it then being March 14, 1990, Dennis Fields instructed Plaintiff to go into his bed, he undressed her and forcibly raped her.
33. At about that same time, David Dennard undressed Jane Doe and either raped – or attempted to rape – her on the floor of the apartment.
34. The next morning, Dennis Fields and David Dennard forced the girls to make them breakfast and did not allow the girls to eat any food.
35. Later that day, Plaintiff and Jane Doe traveled to plaintiff's aunt's house located in Newburgh.
36. On March 16, 1990, plaintiff and Jane Doe returned to St. Cabrini Home.
37. On March 22, 1990, staff at St. Cabrini's home contacted the police and advised of the sexual assaults.
38. On March 23, 1990, the Town of New Paltz Police Department charged David Dennard with Rape in the Third degree for engaging in sexual intercourse with Jane Doe.
39. On that same day, the Town of New Paltz Police Department charged Dennis Fields with Rape in the Third degree for engaging in sexual intercourse with Plaintiff.
40. Defendants Dennis Fields and David Dennard were also charged with (1) Unlawfully Dealing with a Child for providing alcohol to Plaintiff and Jane Doe, and (2) Unlawful Imprisonment in the Second Degree.



41. Defendant David Dennard was also charged with violating parole in connection with his previous conviction and sentencing for an offense of Petit Larceny.

42. It is unknown what happened in connection with those charges.

CAUSES OF ACTION

FIRST CLAIM

Assault

43. The plaintiff repeats and re-alleges each and every allegation as if fully set forth herein.
44. By the conduct, as described herein, defendants Dennis Fields and David Dennard are liable to the plaintiff for having assaulted the plaintiff.

SECOND CLAIM

Battery

45. Plaintiff repeats and re-alleges each and every allegation as if fully set forth herein.
46. By their conduct, as described herein, defendants Dennis Fields and David Dennard are liable to plaintiff for having battered plaintiff.

THIRD CLAIM

Intentional Infliction of Emotional Distress

47. Plaintiff repeats and re-alleges each and every allegation as if fully set forth herein
48. By reason of the foregoing, and having assaulted and battered plaintiff, defendants Dennis Fields and David Dennard committed conduct so extreme and outrageous as to constitute the intentional infliction of emotional distress upon Plaintiff.

FOURTH CLAIM

Negligent Infliction of Emotional Distress

49. Plaintiff repeats and re-alleges each and every allegation as if fully set forth herein.
50. By reason of the foregoing, and having assaulted and battered plaintiff, defendants Dennis Fields and David Dennard were negligent in committing conduct that inflicted emotional distress upon plaintiff.



FIFTH CLAIM
False Imprisonment

51. Plaintiff repeats and re-alleges each and every allegation as if fully set forth herein
52. Because of the actions described above, defendants Dennis Fields and David Dennard unlawfully imprisoned plaintiff without the right to do so and without plaintiff's consent.

SIXTH CLAIM
Negligence

53. Plaintiffs repeat and re-allege each and every allegation as if fully set forth herein.
54. Upon information and belief, Defendants CABRINI MISSION FOUNDATION, ST. CABRINI, HOME INCORPORATED, ST. CABRINI GROUP HOME, INC., MISSIONARY SISTERS OF THE SACRED HEART, MISSIONARY SISTERS OF THE SACRED HEART OF JESUS and the ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK together and separately were in a such a position of control over the St. Cabrini Home that they owed Plaintiff a duty to maintain her safety and not to employ such deviants as defendants Dennis Fields and David Dennard; that the conduct of Dennis Fields and David Dennard was foreseeable and defendants were on notice that they posed a danger to plaintiff; and that when defendants Dennis Fields and David Dennard finally harmed her and defendants failed to prevent it, Defendants CABRINI MISSION FOUNDATION, ST. CABRINI, HOME INCORPORATED, ST. CABRINI GROUP HOME, INC., MISSIONARY SISTERS OF THE SACRED HEART, MISSIONARY SISTERS OF THE SACRED HEART OF JESUS and the ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK are negligent in breaching the duty of care they owed her. Among other things, these defendants are negligent for the hiring, firing, retention, training and/or supervising (or lack thereof) of defendants Dennis Fields and David Dennard.

SEVENTH CLAIM
Vicarious Liability

55. Plaintiff repeats and re-alleges each and every allegation as if fully set forth herein.
56. Given defendants Dennis Fields and David Dennard's position as staff members and employees of the St. Cabrini's Home, there existed a *respondent superior* relationship vis-à-vis Defendants CABRINI MISSION FOUNDATION, ST. CABRINI, HOME INCORPORATED, ST. CABRINI GROUP HOME, INC., MISSIONARY SISTERS OF THE SACRED HEART, MISSIONARY SISTERS OF THE SACRED HEART OF JESUS and the ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.
57. As such, Defendants CABRINI MISSION FOUNDATION, ST. CABRINI, HOME INCORPORATED, ST. CABRINI GROUP HOME, INC., MISSIONARY SISTERS OF THE SACRED HEART, MISSIONARY SISTERS OF THE SACRED HEART OF JESUS and the ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK are vicariously liable to the plaintiff for the actions of defendants Dennis Fields and David Dennard and the damages that they caused.



58. The actions of Dennis Fields and David Dennard occurred within the scope of their employment with the Defendants CABRINI MISSION FOUNDATION, ST. CABRINI, HOME INCORPORATED, ST. CABRINI GROUP HOME, INC., MISSIONARY SISTERS OF THE SACRED HEART, MISSIONARY SISTERS OF THE SACRED HEART OF JESUS and the ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

DAMAGES

59. As a result of the foregoing, the plaintiff has suffered a personal injury.

60. That the aforesaid serious injuries were caused by the conduct of the defendants.

61. That by reason of the aforesaid, plaintiff was rendered sick, sore, lame, disabled and his injuries, upon information and belief, are of a permanent nature; he has had and will have pain and suffering and a loss of enjoyment of life including the inability to work at his vocation, and he is informed and verily believes that he will be in the future, obliged to incur expenses and obligations for medication, medical care, attention and treatment.

62. By reason of the foregoing, defendants' conduct was so intentional, malicious and outrageous that a punitive damages award is warranted as against defendants.


63. A punitive damages and attorneys' fee award is also warranted based upon the violation of plaintiff's basic human rights.

64. That by reason of the foregoing, these damages amount to a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

WHEREFORE, the plaintiff demands judgment against the defendants in a sum of money having a present value which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter, costs and disbursements of this action, and such other and further relief which, to this Court, may seem just and proper.

DATED: White Plains, New York
August 23, 2019

Yours, etc.,



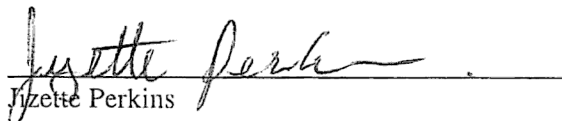
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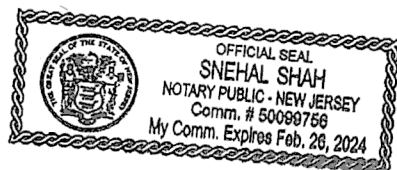
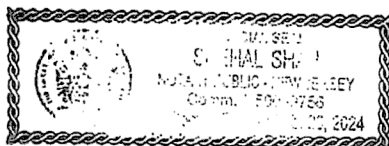
VERIFICATION

Verification: Jizette Perkins states under penalty of perjury as follows: I have read the foregoing Verified Complaint and know the contents thereof, and the same is true to my knowledge, except those matters which are stated to be alleged upon information and belief, and, as to those matters, I believe them to be true.


Jizette Perkins

Sworn to before me September
this 4 day of August 2019


Notary Public



STOLZENBERGCORTELLI
ATTORNEYS AT LAW